IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4507 OF 2005

Mrs.Shakuntala S. Sargar ....Petitioner
V/s.
Smt.P.V. Mane & Ors. ....Respondents

Mr.Tushar Kale i/b Mr.Uday P. Warunjikar for the Petitioner.

Ms.Sonia Miskin for Respondent Nos.1 and 2.

CORAM : R.M. SAVANT, J.
DATED : 21ST MARCH, 2007.

P.C. :

1. By this Petition, the Petitioner seeks setting aside the compromise decree entered into between the parties in R.C.S. No.72 of 1997. It is the case of the Petitioner that Respondent No.4, who is his mother, had been coerced into entering the settlement and that is how the said suit was compromised. The above Petition is filed in view of the fact that no Appeal is maintainable for setting aside a compromise decree. As a counter to the allegations made by the Petitioner, affidavits have been filed by Respondent Nos.1, 2 and 4, evidencing the fact that the compromise has been entered into by them through their own free will and volition. In

fact Respondent No.4 has gone on to say that she does not desire to reside with the Petitioner herein, who is her son.

2. Another aspect to be noted is that the application made by the Petitioner under Section 97 of the Cr.P.C. has also been rejected by the concerned Court vide its order dated 28.10.2005. In that view of the matter, no case is made out for interference. The Petition is accordingly dismissed.

(R.M. SAVANT, J)